

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

UNITED STATES OF AMERICA,

v.

ANTHONY SWINTON

Case No. 4:08-cr-00368-TLW-1

**Order**

This matter is before the Court on Anthony Swinton's motion for early termination of supervised release. The Court denies the motion.

Swinton pled guilty to a charge of Conspiracy to Distribute 50 Grams or More of Cocaine Base and/or 5 Kilograms or More of Cocaine in violation of 21 U.S.C. § 846. ECF Nos. 87 & 99. On June 30, 2009, the Court departed downward from the Guidelines based on the Government's motion, imposing a sentence of one hundred sixty-eight (168) months of imprisonment and ten (10) years of supervised release. ECF No. 163. On April 16, 2015, the Court entered an Amended Judgment, reducing Swinton's term of imprisonment to one hundred twenty (120) months. ECF No. 289. On August 3, 2017, Swinton began his term of supervised release. His probation term is scheduled to expire on or about August 3, 2027.

A district court may terminate a Defendant's term of probation if, in the case of a felony, the Defendant has completed at least one year of probation and, after considering the § 3553(a) factors, the court "is satisfied that such action is warranted by the conduct of the Defendant released and the interest of justice." 18 U.S.C. § 3564(c).

In Swinton's motion for early termination, he acknowledges his past

criminality and states that he has completed over half of his supervised release and has avoided any law enforcement contact while on supervised release, including obtaining gainful employment and complying with the terms of his supervised release. See ECF No. 443. Probation acknowledges that Swinton has made certain improvements while on supervised release, which the Court notes, though these changes do not outweigh the significance of his offense of conviction and criminal history.

Swinton's offense of conviction, Conspiracy to Distribute 50 Grams or More of Cocaine Base and/or 5 Kilograms or More of Cocaine, is a serious offense, and his criminal history dates to 1995. PSR ¶ 60. He was held accountable for 13.0 kilograms of powder cocaine and 3.1 kilograms of crack cocaine. PSR ¶ 100. In July 1998 Swinton was convicted on the charge of Failure to Stop for a Blue Light. PSR ¶ 107. Later the same year, Swinton was convicted of Possession with Intent to Distribute Marijuana. PSR ¶ 108. In addition to these convictions, Swinton also has convictions for Possession of Marijuana – 28 Grams or Less in 1998 and 2004, PSR ¶¶ 109, 110.

At present, Swinton still has over four (4) years of supervised release remaining, as his term of supervised release does not expire until August 2027. For the reasons stated, and after considering the § 3553(a) factors, the Court concludes that early termination of his term of supervised release is not warranted.

For these reasons, Swinton's motion for early termination of supervised release, ECF No. 443, is **DENIED**.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
Terry L. Wooten  
Senior United States District Judge

May 2, 2023  
Columbia, South Carolina